

RA/DRA

CO: SUPR

[Handwritten signatures: Andrea, Jan, Jane, Bruce, Dave Cogswell]

STATE OF MISSOURI
 Bob Holden, Governor • Stephen M. Mahood, Director
DEPARTMENT OF NATURAL RESOURCES

www.dnr.state.mo.us

MAR - 5 2003

Mr. Jeffrey Zelms, President
 The Doe Run Resources Corporation
 d/b/a The Doe Run Company
 1801 Park 270 Drive, Suite 300
 St. Louis, MO 63146

40328436

 Superfund

Dear Mr. Zelms:

Together with the U.S. Environmental Protection Agency (EPA), The Doe Run Company (Doe Run) and the Missouri Department of Natural Resources have achieved significant reduction in lead emissions from Doe Run's lead smelter in Herculaneum. Most notably, air emissions were reduced by over 60 tons per year. Also, for the first time since monitoring began at the Broad Street site in 1992, we now have monitored two consecutive calendar quarters where all Herculaneum sites have met the National Ambient Air Quality Standards. Yet, much remains to be done. Too many children still have elevated blood lead levels.

Perhaps because of the noteworthy efforts to reduce lead exposures and the remaining challenge, it is a significant concern to the department when your company's operations release lead contamination into the community in ways that could be avoided with little or no financial cost. For example, our staff observed a truck (Missouri license plate REH 646) delivering lead concentrate to your Herculaneum plant with lead oozing out from underneath the tailgate. The spilled lead concentrate was also observed on the weigh scales at The Doe Run Herculaneum facility and on the lane that goes to the concentrate dump area. The truck is registered to Mr. Bobby and Mrs. Paula Coleman, Route 1, Box 593-B, Mineral Point, Missouri 63660, to whom I have written separately (see enclosed). I have also enclosed a copy of the report of the observations.

I am writing this letter to ask that you take all necessary ~~and reasonable actions to prevent such a~~ release from reoccurring. First, our immediate expectation is that you communicate quickly, strongly, and effectively with your transporters about your protocols for preventing spillage between loading and offloading, and that you inform me of the results of that communication. Please copy me on your correspondence with the trucking company and their response to you on this matter. Second, Doe Run needs to ensure more effective implementation of its Transportation and Materials Handling Plan. For example, all tailgates must be closed, sound, and no lead can be released pursuant to corrective action #3 in the Order to Abate and Cease and Desist Violations of September 25, 2001, or from any other part of the truck between loading and offloading. A management plan is not useful if it is only on paper. Third, provide a description of the additional training you have provided (and will commit to maintain) for your mine employees to assure that overly wet concentrate is not loaded onto the trucks so that liquefaction and release does not occur.

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Mr. Jeffrey Zelms
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This incident adds to a growing body of evidence of chronic deposition of lead on the streets of Herculanum gathered by the EPA. We are deeply concerned that this incident is one of many truckloads that have spilled lead concentrate and contaminated roadways and communities throughout Missouri for decades. Accordingly, we believe that Doe Run needs to provide additional safeguards in lead materials handling and transportation.

As we discussed at our last meeting in Kansas City, the state of Missouri expects you to comply with applicable provisions of the Settlement Agreement dated April 26, 2002, regarding your Transportation and Materials Handling Plan. The subject of improving actions to reduce potential releases and drag-out from the facility will be an agenda item for our upcoming meeting on revisions to the Plan.

As you know, our April 26, 2002, Settlement Agreement set a goal that 80% of lead concentrate coming into Herculanum would be by rail within one year of the Agreement. Because Doe Run has indicated that it will not meet this goal, an additional focus of this meeting will be to determine alternatives to rail transport of lead bearing materials. I understand this meeting has been scheduled for March 14, 2003 to discuss this issue with your staff. Please contact Ms. Cherri Baysinger (573) 751-4187 if you have any questions regarding this meeting.

If you have questions regarding this letter, you may contact me at (573) 751-0763 or P.O. Box 176, Jefferson City, Missouri 65102-0176.

Sincerely,

AIR AND LAND PROTECTION DIVISION



James D. Werner
Director

JDW:kfh

Enclosures

c: Mr. Jim Gulliford, U.S. Environmental Protection Agency
St. Louis Regional Office

STATE OF MISSOURI Bob Holden, Governor • Stephen M. Mahfood, Director
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MAR - 5 2003

Mr. Bobby and Mrs. Paula Coleman
Route 1, Box 593-B
Mineral Point, MO 63660

Dear Mr. and Mrs. Coleman:

As you know, the Missouri Department of Natural Resources and the U.S. Environmental Protection Agency (EPA) have been working to reduce the exposure of residents in Herculaneum and other Missouri communities to lead. Children of Missouri have the highest levels of lead in their blood in the country. According to EPA, "[l]ead is a highly toxic metal that...may cause a range of health effects, from behavioral problems and learning disabilities, to seizures and death. Children 6 years old and under are most at risk, because their bodies are growing quickly."

(See <http://www.epa.gov/opptintr/lead/index.html>)

Hence, we were concerned to observe on February 20, 2003, lead concentrate on the rear mud flaps and tailgate of one of your trucks (Missouri license plate REH 646) and on the weigh scales at The Doe Run Herculaneum facility. In addition, field staff observed lead concentrate on the lane that goes to the concentrate dump area.

I am writing this letter to tell you that I have directed The Doe Run Company (Doe Run) to assure that you prevent such releases from reoccurring and to inform me of the results of its communication with you. A copy of that letter is enclosed. Based on the Order to Abate and Cease and Desist Violations of September 25, 2001, Doe Run was required to plan and implement measures to ensure that lead concentrate or other hazardous substances are not deposited, emitted, released, or spilled into the environment during any part of the transportation process. All tailgates must be closed, sound, and no lead can be released from that source or from any other part of the truck. I have asked Doe Run to submit to me a copy of its letters to you and your reply concerning the matter. I have also asked Doe Run to describe to me in writing the additional training it has provided (and will commit to maintain) for its mine employees to assure that wet concentrate is not loaded onto the trucks. Wet concentrate may have led to the release described above as it has the potential to flow and escape cracks in the truck bed.

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Mr. Bobby and Mrs. Paula Coleman
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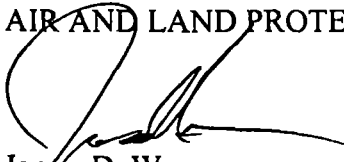
This incident, in addition to evidence of chronic deposition of lead on the streets of Herculanum gathered by the EPA, indicates that additional safeguards are needed in lead materials handling and transportation. Our agency will be scheduling a meeting in the near future with Doe Run

representatives to attempt to resolve these matters. However, the department also considers trucking companies, including yours, to be responsible for maintaining their cargo, especially where that cargo is known to directly affect public health when mismanaged.

If you have questions regarding this letter, you may contact me at (573) 751-0763 or P.O. Box 176, Jefferson City, Missouri 65102-0176.

Sincerely,

AIR AND LAND PROTECTION DIVISION



James D. Werner
Director

JDW:kfh

Enclosure

c: Mr. Jim Gulliford, U.S. Environmental Protection Agency
St. Louis Regional Office
Mr. Jeffrey Zelms, The Doe Run Resources Corporation

February 20, 2003

To: Bruce Morrison, USEPA Remedial Project Manager
From: Ryan Schuler, START 2 Project Manager
Subject: Lead Concentrate Observed on Truck and Street

At approximately 10:30 START member's Ryan Schuler and Joanne Reno finish sampling residence and decide to observe the washing of trucks at the Doe Run truck wash area. After viewing the truck wash they proceed to drive by the scales at the south end of the Doe Run facility. Schuler and Reno observe a semi-tractor trailer with the Missouri license plate REH 646 that has lead ore concentrate oozing from the truck bed onto the rear passenger side mud flap of the trailer. The right mud flap contains much more contamination than the rear left, which has very little concentrate on the flap. Lead ore concentrate is also observed on the weigh scales.

At approximately 10:40 Schuler and Reno proceed to the site trailer to pick up a camera to take photos. On the way back to the trailer Schuler and Reno speak with Matt Ojile of the Missouri Department of Natural Resources and notify him of what they have just observed. After picking up the camera and driving back to the dump area, the contaminated truck was waiting in line to dump the concentrate. Reno takes photos of the lead concentrate on the rear mud flaps and also photographs the concentrate that has spilled onto the road. After taking photos, Schuler observes the driver of the truck going back to the tailgate to visually see what was happening at the back of his truck. After the driver had already gotten back into the cab, Schuler knocks on the driver side door and asks him if he knew his truck bed had been leaking concentrate. The driver said he did not know that the concentrate was leaking out. When the driver opened the door, Schuler observes what appeared to be a piece of dry lead ore concentrate dropping out of the cab. The driver then walks to the back of the truck with Schuler and MODNR's Matt Ojile and opens the small viewing door to look back into the truck bed. Visually Schuler could not see the concentrate because there was not enough light in the bed of the truck. The driver stated however that the lead ore concentrate was about 10-12 feet from the back of the trailer. Along the back edge of the bed there was visual liquid concentrate that appeared to be the source of the contamination on the mud flap.

At approximately 10:50 Schuler and Reno proceed back to the site trailer to notify Doe Run of what they observed. Schuler initially calls Aaron Miller and gets an answering machine and does not leave a message. Schuler then tries calling Cliff Gray and gets the same results. Finally, Schuler calls Jim Lanzafame and speaks with Cliff Asberry about what was observed. Asberry said that they will look into it.

At 11:05 Schuler and Reno are in route to perform an interior investigation and observe Doe Run's Cliff Asberry and Tom Griffith viewing a truck that is waiting to dump its load. Schuler and Reno tell them that the truck they are looking at was not the contaminated truck; however, the truck that was on the dump pad was the contaminated truck.

At 12:45 Jim Lanzafame arrives at the EPA trailer and asks to observe the digital photos that were taken of the contaminated truck and street. Lanzafame views the photos and leaves the trailer.

At 13:10 Doe Run's Cliff Gray arrives at trailer to speak about the incident and corrective measures taken. According to Gray, when concentrate has too much moisture it liquefies and this may have possibly caused the situation today. Gray also stated that his staff had observed the contamination on the lane to the dump area. "Shop dry" was going to be put down so the sweeper could go over the area (the sweeper is not effective on wet streets). Schuler and Reno also tell Gray that they observed concentrate on the weigh scales and that it might be a good idea if they run the sweeper over the scales. Gray immediately calls his staff to tell them to run the sweeper over the scales. Gray tells Schuler and Reno that he will be walking the road out to US 61/67 to look for any concentrate on the streets. Other staff members have looked in the scale/dump area for additional contamination and only saw what had been observed earlier. Gray states that he has called down to the mine loading area and notified them of what had happened with one of the trucks. According to Gray, he told his staff at the mines that they needed to be particularly careful not to load wet ore concentrate that would create this problem. They also needed to put a small berm of dry concentrate material toward the back of the trailer. If the concentrate loaded in the trailer was wet, the dry concentrate could absorb this moisture.

As a side note, Gray stated that Doe Run is only a few days away from not using the scale in Herculanum. According to Gray, trucks will be pre-weighed and post-weighed at the mines where they are filled. Tracking contamination outside of the Doe Run property should be somewhat reduced. Only non-concentrate trucks will use the scales.